

LAST EDITION.

WEDNESDAY EVENING.

TOPEKA, KANSAS, SEPTEMBER 24, 1913.

WEDNESDAY EVENING.

On sale by newsboys at FIVE CENTS  
On trains and newsstands TWO CENTS

## TRIAL WILL GO ON

Final Decision on Sulzer's Objections to Certain Articles

Will Not Be Given Until the Testimony Is In.

## COURT VOTES 49 TO SEVEN

Governor Enters General Denial to All the Charges.

Fox Resumes His Argument Replying to Parker.

Albany, Sept. 24.—At 2:15 o'clock today, Secretary of State Mitchell May was called to the stand and sworn as the first witness in the impeachment trial of Governor Sulzer.

Albany, Sept. 24.—Final decision on the defense's objections to including the "money articles" of impeachment in the consideration of the Sulzer case will not be given until all testimony has been taken. The court voted, 49 to 7, today to follow this procedure.

Those voting "no" were all Democrats. Governor Sulzer's answer to the eight articles of impeachment filed with the court today entered a general denial to each and every one of them.

The crucial point in the preliminary work of the Sulzer impeachment trial was reached today. Attorneys for both sides entered the court room with the knowledge that on the decision of the court on the legal objections now before it—that is, permitting the articles of impeachment relating to the governor's money deals to enter into the testimony—depended the whole future of the prosecution.

Without these articles of impeachment—the first, the second and the sixth—it was feared that the case of the prosecution would be weakened immeasurably. Such a condition was not calculated to cause the assembly managers to abandon the prosecution, but to prompt them to use every effort to obtain the inclusion of the money charges by the assembly to brace up their case.

At all events the governor must go on trial. The attorneys awaited only the starting signal to begin the argument on the disputed articles.

Argument Is Resumed.

Several members of the court were absent when Attorney Austin G. Fox resumed his argument in behalf of the Sulzer contentions. He opened by attacking the statement of Judge Parker that the constitution permitted the assembly to impeach at any time for any cause. "This attempt on the part of any cause," he said, "is a novel doctrine, never tried before in a court of justice, never broached in any constitutional convention, never admitted to any English-speaking people."

"Unhappily a scant majority of the assembly prompted by what motive we shall not attempt to guess, are now praying this august tribunal to do away with the limitations with which the wisdom of our fathers has surrounded the exercise of the great power to accuse of wilful misconduct in office."

"It was to be expected that sooner or later the popular branch of some legislature acting in the heat of political excitement, possibly with a desire to gratify the personal enmity of some powerful political leader might seek to overturn the well settled limitations of their lawful authority."

Heeding Popular Clamor.

"We cannot shut our eyes to the fact that there is today a large number of our fellow citizens led by distinguished and popular leaders, whose very political creed embodies an impetuous constitutional restraint and who demand the final test shall be not a judicial interpretation of the constitution but the duly ascertained wish of the majority of the moment."

"If the view of the honorable managers be correct, then, indeed, all question of constitutional limitation or construction is beside the mark, and this court should proceed to register whatever decree it may be persuaded will best please the present public demand."

"We shall all do well, when urged to disregard the principles established by law, to recall the words of one of the greatest judges to press forward to a great principle by breaking through every other great principle that stands in the way of its establishment as little consonant to private morality as to public justice."

## WOMEN'S WAGES FIXED

In Oregon They Will Receive \$9.25 for 50 Hours.

Portland, Ore., Sept. 24.—The industrial welfare commission of Oregon has adopted a ruling made public today which will become a law November 23 fixing a minimum wage of \$9.25 a week for adult women clerks who are not apprentices; defining eight hours and twenty minutes as the maximum day's work and fifty hours as the maximum for a week; and making 6 p. m. the latest hour at which any woman may be employed on any day of the year in a mercantile establishment.

The order automatically eliminates Saturday night shopping and Christmas holiday night shopping in such establishments. Some department store proprietors protested vigorously but in vain. One department store owner contested it warmly.

## HE WILL SURRENDER.

The Clerk Who Shot Senator Bristow's Clerk in Washington.

Washington, Sept. 24.—Detlef H. Schultz, wanted on a charge of shooting down Francis A. Reilly, clerk to

## INQUEST BEGINS

Body of Mrs. Little Disinterred and Physicians Examine It.

Methodist Church Officers Will Investigate Rev. Littleton.

Edna, Kan., Sept. 24.—The coroner's inquest to determine the manner in which Mrs. C. B. Littleton, wife of the former Methodist minister here, came to her death began here today.

At an inquest held immediately after Mrs. Littleton's death, June 29 last, it was decided she had committed suicide by hanging, but since then persistent gossip caused the authorities to order another inquiry.

Shortly before the inquest began an undertaker was served with an order for disinterment for Mrs. Littleton's body and two medical experts were named to examine it.

Dr. A. S. Freed, presiding elder of the Methodist church for this district said today the church would soon begin an investigation of the conduct of Littleton, the woman's husband who is missing.

"The church must protect itself," Dr. Freed said. "I understand charges are to be made by the church members against Rev. Littleton alleging indiscretion, but whether formal charges are made or not, the church will make a full investigation and either clear Brother Littleton's name or drop him from the church rolls."

The exhumation of the body of Mrs. Littleton failed to throw any light upon the manner of her death save to settle definitely that it was the result of strangulation. Whether the strangulation was caused by suicide by hanging or not, the two medical experts who performed the autopsy said they were unable to determine.

Much of the time of the inquest was taken up in the testing of hooks similar to that upon which the Littleton said his wife hanged herself to see if they would support the weight of a person. It was found that a hook of the type used in the Littleton case would not support a one hundred pound bag of wheat.

Thirteen pounds of wheat were removed so that the weight would correspond to that of Mrs. Littleton. The inquest was adjourned until this afternoon when the autopsy upon Mrs. Littleton's body was performed. There the body and heard the testimony of the experts to the effect that there was no evidence as to what had produced the strangulation which resulted in the death.

Robbery at Emmett.

Store Broken Into and Jewelry and Hardware Taken.

Emmett, Kan., Sept. 24.—A general store was broken into here last night and several articles of value were stolen. Among them were two dozen rings, one gold watch, seven ladies' coats, a quantity of cigars and tobacco and other items of clothing and hardware.

It is believed that the thieves did their work before midnight and took a train for Topeka about 4 o'clock. The police department in Topeka has been notified.

On account of picking only merchandise that was not heavy and of large value it is thought that this burglary was committed by the organized automobile bandits that have been operating in Kansas recently.

## A FAIR APPLE CROP.

It Is Expected in Kansas in Spite of the Drouth.

To the general surprise of apple raisers and notwithstanding the drouth of the summer, there will probably be a very fair crop of apples of the fall varieties. After hanging on the trees all summer and attaining a size not much larger than marbles, they have taken on an expansion policy with the coming of the rains.

Apples which two weeks ago were considered hopelessly have now attained normal size, and are still growing, so horticulturists report. The cloudy weather following the rains was ideal for the apples to grow rapidly without ripening before gaining their normal size, or swelling and bursting as would have been the case had hot suns followed the heavy rains.

## TEN FIREMEN BURNED

Were Compelled to Drive Over a Viaduct in Flames.

Milwaukee, Sept. 24.—Ten firemen were burned seriously here today during a fire which destroyed \$75,000 worth of coal, docks and dock buildings belonging to the Gross Coal company.

The men were burned while on the way to the fire, being forced to drive over a viaduct which was enveloped with the flames of the burning coal. They fell from the trucks and were dragged to safety by comrades. The huge coal piles are still burning but there is no danger of the fire spreading.

## HIS FIRST BRIEF

U. S. Solicitor General Davis Assails the Injunction

Issued by Commerce Court Against the I. C. C.

## CONSTITUTIONALITY INVOLVED

Government Seeks to Make Pipe Lines File Tariffs

On the Ground That They Are Common Carriers.

Washington, Sept. 24.—The federal government today began its fight in the United States supreme court to establish the constitutionality of the provision of the interstate commerce act making pipe lines common carriers. In his first brief as solicitor general of the United States John W. Davis vigorously assails the preliminary injunction issued on the ground of unconstitutionality by the commerce court, against the order of the interstate commerce commission in directing pipe lines to file rate tariffs as common carriers.

Control of pipe lines by large interests with power to compel small producers to sell their oil or wells to pipe line owners, at the latter's price, is the source of a monopoly at which congress aimed to strike by opening the pipe lines to the reasonable and equitable use of all, contends the solicitor general.

"The due process" clause of the legislation is not violated, he declares, because it does not prevent congress from regulating commerce, nor does such legislation violate the constitutional prohibition against taking property for public use without compensation because the users of the pipe lines as common carriers must pay a reasonable rate.

"It is indisputably clear," he continues, "that the evil aimed at by congress in making pipe lines common carriers was the monopoly of the oil business by the Standard Oil company, a monopoly largely if not chiefly due to the ownership or control by that corporation of ninety per cent of the pipe lines."

"It is idle to suggest," argues Mr. Davis, "that individual well owners or refiners ought to build pipe lines of their own. Every farmer might equally well construct a railroad and every cowman have its private gas plant."

It is largely the use of the potent instrument of transportation, he says, that has built up these enormous capitalizations.

"The evidence in the Standard Oil case proves it. Congress has struck down the monopoly full grown. It now seeks to destroy the source from which it sprang."

Pipe lines against which the proceedings are directed are the Standard Oil company, Standard Oil company of Louisiana, the Ohio Oil company, the Prairie Oil and Gas, the Uncle Sam Oil company, and Robert D. Benson.

## DEFENDS CAUCUS

Speaker Clark Quits His Desk to Make a Speech.

Remarks Call Forth a Reply From Vic. Murdock.

Washington, Sept. 24.—Speaker Clark quit his gavel today to take the floor to defend the caucus against the Republican attack.

"This continual howl about the caucus is the most idiotic thing that has ascended to heaven in the last generation," shouted the speaker. "The country wants to know what congress does, it does not care three whoops how it did it. We have revised the tariff and put through a bill changing the banking and currency system. If these measures are not good we will be the ones to suffer, if they are we will gain, but we do not propose to let you Republicans bring up other subjects on the floor while they were under consideration and distract the attention of members and of the country from the great issues involved."

Speaker Clark said he would not answer Republican attacks by calling attention to the way former Speakers Reed and Cannon put through important legislation. That would be a case of pot calling the kettle black, he said. "A lot of you fellows have been talking too much for your own good, anyhow," concluded the speaker, to the accompaniment of a prolonged outburst of applause from the Democrats.

Progressive Leader Murdock took issue with Speaker Clark over his statement that the country did not care how congress did things so long as they are done. Mr. Murdock said the caucus resulted in lack of decorum, brought about a small attendance and ended in gag rule. He said there was no reason the doors of every committee room should not be open.

Some of the time of the members of the state board of control, which, at the end of the last fiscal year was composed of Harry C. Bowman, chairman, Sherman G. Elliott of Lawrence and W. E. Brooks, is spent in attending national gatherings devoted to the study of progressive methods of the care of public dependants. On July 1, last the school of the deaf at Olathe, and the school of the blind at Kansas City went under the management of the state board of educational administration, while the girls' industrial school and the boys' industrial school at Beloit and Topeka, respectively, were transferred to the board of correction. The board of control, however, take charge of the Kansas Soldiers' Home and the Mother Bickerdyke Home at Ellsworth as well as of the new hospital for the insane at Larned and the tuberculosis sanitarium to be built at Norton. The Bickerdike home is managed by a distinct board of which two members of the board of control are ex-officio members.

The board has charge of a fund of \$16,344.74 in money and securities bequeathed by the late William S. Dell

## THE DAY IN CONGRESS

Favorable Report on Agricultural Education Bill Ordered.

Washington, Sept. 24.—Senate not in session, meets Thursday. Banking committee heard witnesses from northwestern states on the administration currency bill. Appropriations committee hours of protest against abolishing the commerce court. Public lands committee took up Hatch Hetchy bill for San Francisco's water supply.

House met at noon. Mayor Grace of Charleston, S. C., mentioned Speaker Clark to investigate the election of Representative Whaley and alleged irregularities in the primaries. Favorable report on the Lever agricultural education extension bill ordered by committee.

## MISERY IN KANSAS

Population of Charitable Institutions Increase.

More Than 4,600 Persons Confined in Nine Places.

## GAIN OF 633 IN SIX YEARS

Expense for Maintenance Has Been on Decrease.

Annual Report Shows Cost of \$994,006 for 1913.

Despite the fact that the average population in the nine state charitable institutions has increased by 633 inmates since 1907, the expenses for the maintenance of these institutions has decreased, according to the report made by the state board of control today. The appropriation allowed by the legislature in 1907 was \$1,965,517. In 1913 it was \$1,728,150.

This decrease is due to three things says the report, less has been appropriated for new buildings; more money has been collected for the care of insane persons at the state hospital, and more efficient business methods have been adopted. In 1907 there were 3,333 inmates in state institutions and in 1913 the population had increased to 4,672, an increase of 633.

For the fiscal year, 1913, \$291,456 was expended from the salary funds; \$450,098 from the maintenance funds; \$91,689 from the fee account fund; \$108,885 from the special appropriations to the institutions and \$13,760 from the fuel fund—a total of \$994,006. This is an increase of \$20,000 over 1912 and \$70,000 over 1911.

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## NEW YORK PLAN

It Meets Approval of Republican Leaders at Washington.

Would Like to See It Adopted in the Nation.

## WANT NATIONAL CONVENTION

For the Revision of Some of the Party Rules.

See a Means of Reuniting the Separated Factions.

Washington, Sept. 24.—Republican leaders in Washington, identified from the first with the demand for a Republican national convention to revise party rules and procedure, expressed strong approval today of the platform adopted yesterday at the New York Republican state convention. They believe the resolution adopted by New York Republicans will have a strong influence toward bringing about a national Republican convention early next year for the revision of some of the more seriously criticized rules of the party.

The Republican national executive committee which last summer agreed to call the entire national committee "within sixty days after the adjournment of congress" is now being urged to take immediate action. Letters sent to Chairman Charles D. Hilles last week by Senators Cummins and Jones, representing the "Conciliation committee," selected by Progressives and some Republicans at Chicago last spring, strongly urged Mr. Hilles to canvass the executive committee to take further steps to secure an early decision as to whether a convention would be called.

It is such a gathering is held it is planned to have it early next spring so that its decision may become effective before the congressional campaign. The specific demands of those who want party procedure changed, according to those chiefly in favor of changes in the platform here, are clearly embraced in the resolution of the New York convention namely:

"To allow states to determine the method of selecting their delegates to national conventions and to base the representation in conventions upon the number of votes cast for the party candidates at previous elections. Those principles have been adopted, not only by the progressive Republican forces and many Progressives but by Senators Root, Lodge and others who have been active figures in the management of recent Republican national conventions."

"I am very much gratified at the action of the New York convention," said Senator Jones today. "It ought to have a good effect in building up the sentiment in favor of changes in the party procedure. It is a striking evidence of the fact that the mass of voters in the Republican party want things put in shape."

"Action of this kind will accelerate the movement back to the Republican party."

The New York Idea.

Albany, Sept. 24.—The declaration adopted by the resolution committee of the New York convention after a stormy session was as follows:

"We instruct the representative of the state of New York in the national committee to demand that the convention be called as soon as practicable, to change the party rules, so as:

"1. To provide that in the call for future national conventions delegates are to be chosen in each state in the manner preferred by the Republican voters in such states. We, however, urge the continuance of the national district as the basis of representation."

"2. To insure that representation in the national convention shall hereafter be based more nearly on the Republican vote actually cast in the several states and congressional districts, which, just to prior that decided the unanimous support of the delegation from the state of New York at the national convention of 1908; and,

"3. To amend the rules relative to party procedure in such other respects as may be requisite."

The platform adopted contains the following plank:

"Conditional of the recall of judges and judicial decisions, denunciation of the Democratic currency bill and tariff bill now pending in congress, condemnation of Tammany rule in New York state politics, and reaffirmation in the faith of Republican principles of protection to American workingmen, American industries and the American farmer."

## WRECK VICTIM DIES.

J. P. Baldy of Denver Dies in Manhattan Hospital—Four Left.

Manhattan, Kan., Sept. 24.—J. P. Baldy of Denver, injured in the Rock Island wreck Saturday, died here today. Of the injured only four remain at the hospital. Among them are Mrs. C. A. Smith of Ithaca, Me., and Mrs. Ezra Smith of Washington, Ia.

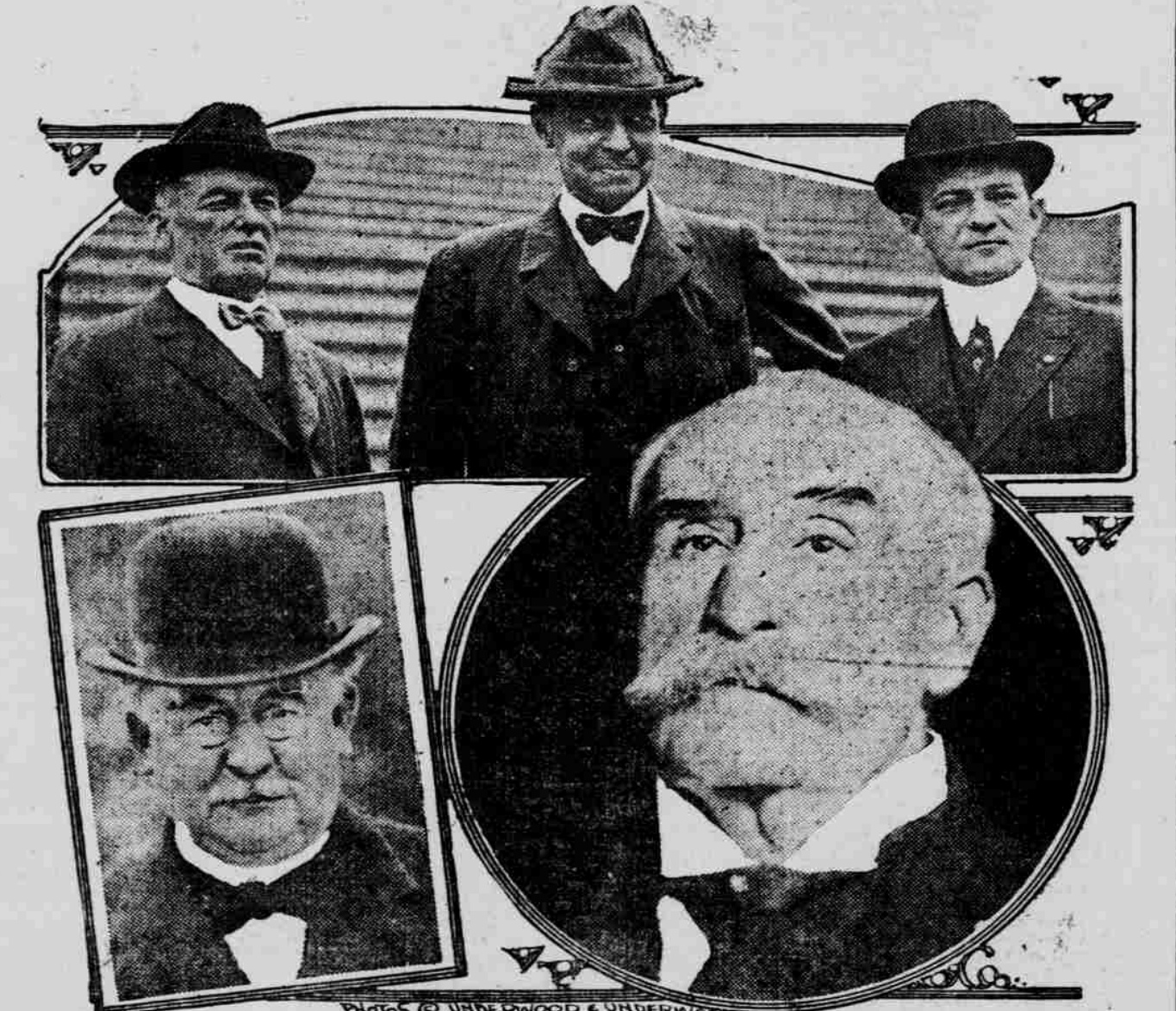
Weather Forecast for Kansas. Cloudy, with rain in the east portion and frost in the west tonight; Thursday fair.

## TODAY'S GAMES.

Western.  
Denver at Omaha, rain.  
Wichita at St. Joseph, clear.  
Des Moines at Topeka, cloudy.  
Lincoln at Sioux City, rain.

National.  
Chicago at Pittsburgh, clear.  
Boston at Philadelphia, (2) clear.  
Brooklyn at New York, clear.  
American.  
Philadelphia at Boston, clear.  
Kansas City at Indianapolis, cloudy.  
Minneapolis at Louisville, clear.  
Milwaukee at Toledo, (2) clear.  
St. Paul at Columbus, clear.

## IMPEACHMENT TRIAL TO COST NEW YORK OVER QUARTER MILLION; SULZER-MURPHY ROW EXPENSIVE TO STATE



Figures in Sulzer trial. Top, left to right, Senators Cullen, Sage and Wagner. Bottom, Judge Chase (left) and Presiding Judge Cullen.

Albany, N. Y., Sept. 24.—The impeachment trial of Governor William Sulzer, if it lasts one month, will cost New York state more than a quarter of a million dollars. And if the trial continues longer than a month, \$50,000 expense must be added for every additional week.

This means that if the trial runs for two months—and there are many senators who predict that it will—half a million dollars of the tax payers' money will be spent in determining if Mr. Sulzer is innocent or guilty of the "high crimes and misdemeanors"

charged in the articles of impeachment. In addition to the expense of the present trial and the expenses of the Frawley committee, another quarter of a million has been spent so far to sustain the conflict between Governor Sulzer and Tammany Boss Murphy.

When the cost of the extraordinary session of the legislature, with its attendant charges for mileage, postage, telephone, telegraph and other necessities is taken into consideration, the Sulzer-Murphy row and its consequent impeachment probably will hit the state treasury to the extent of at least \$1,000,000.

Cost of Sulzer Trial.

If the impeachment trial of Governor Sulzer at Albany continues for one month, this is the estimated cost:

|   |           |
|---|-----------|
| Compensation of 49 senators at \$40 each a day.....       | \$50,000  |
| Compensation of nine assembly managers at \$40 a day..... | 10,000    |
| Compensation of counsel for Governor Sulzer.....          | 50,000    |
| Compensation of counsel for assembly.....                 | 50,000    |
| Stenographers' fees and incidentals.....                  | 50,000    |
| Expense of Frawley committee.....                         | 50,000    |
| Total.....  | \$270,000 |

## COLD WAVE COMING.

It Is Snowing Today in Colorado and Wyoming.

A near cold wave is scheduled to hit Topeka tonight.

The temperature is expected to drop from 80 degrees to below 50 by Thursday morning. Denver is experiencing a heavy snow storm today and snow is also falling in Utah, Nevada and Wyoming. The storm is moving this way. No snow is expected here but there is a probability that it will rain tonight. The temperature at Denver at 7 o'clock this morning was 30 degrees, or 27 degrees lower than at Topeka at the same hour. There is below freezing weather at several government stations in the storm area.

The weather has been threatening at Topeka today, and there has been a trace of rain. At 2 o'clock the wind was blowing at the rate of 15 miles an hour from the south.

The hourly readings:

|                 |    |                 |    |
|-----------------|----|-----------------|----|
| 7 o'clock.....  | 67 | 12 o'clock..... | 74 |
| 8 o'clock.....  | 67 | 1 o'clock.....  | 73 |
| 9 o'clock.....  | 70 | 1 o'clock.....  | 73 |
| 10 o'clock..... | 74 | 2 o'clock.....  | 78 |

## NEW EXPORT RECORD.

August Surpassed the Same Month in Any Previous Year.

Washington, Sept. 24.—Although imports for the month of August fell off when compared with figures for the same month last year, exports increased to such an extent that they surpassed figures of any other August on record, according to the department of commerce, which today made public statistics of the general trade in the United States during the last month. The imports for the month totaled \$137,704,195, while exports aggregated \$187,812,636. The figures for the same month last year were \$154,756,770 and \$167,844,871. For the eight months ending with August imports to this country were valued at \$1,156,570,670; its exports amounted to \$1,515,085,773.

## CAUGHT IN CANADA.

Absconding Clerk of Milling Company Is Under Arrest.

New York, Sept. 24.—John C. Schildknecht, \$20 a week clerk of the Washburn-Crosby Milling company, who kept two automobiles and a retinue of servants and disappeared two weeks ago when a shortage of more than \$20,000 was found in his accounts, is under arrest at Montreal, according to an announcement made here today by a private detective agency. Schildknecht lived in regal style for about four months. He paid his bills, it is charged, with money obtained by manipulating checks payable to his employers.